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SUBJECT: KYRGYZSTAN FRAUD SUMMARY MARCH - AUGUST 2008

REF: A) State 74840  
B) Bishkek 366

11. Country Conditions: Kyrgyzstan, a former Soviet republic of five million people, is a country in transition, struggling with the aftereffects of years of communist misrule and its recent autocratic regime. Corruption pervades almost all aspects of life and business in the Kyrgyz Republic. Endemic poverty leads many to pursue employment abroad, overwhelmingly in the Russian Federation and Kazakhstan. Recent press reports estimate approximately 500,000 Kyrgyz citizens are living abroad and remitting salaries home. Inflation this past year is estimated to be 25 - 30%.

Conditions in Kyrgyzstan vary between the north, where the majority population are Kyrgyz and the terrain is mountainous; and the south which contains part of the Ferghana valley and a large Uzbek population. Kyrgyzstan's ethnic minorities also include Russians who remained after the collapse of the Soviet Union, ethnic Germans, Koreans, Uighers and other peoples of Central Asia. It has not been unusual in the past for members of these groups to claim asylum in the U.S. based on either religious beliefs or for political reasons.

While there is occasionally some tension amongst various groups, there have been no serious conflicts or organized repression of ethnic groups in Kyrgyzstan.

Agriculture plays an important role in the Kyrgyz economy. Unemployment, according to different measures, is estimated to be 12 - 18%. As mentioned above, a significant portion of population work abroad and remit approximately \$710 million USD back to Kyrgyzstan - a figure that is approximately 60% of the national budget. Banks are generally not trusted or utilized by the average citizen, which results in the majority of people maintaining their savings in hard currency. As a result of the falling value of the US dollar and increases in food and fuel prices, conditions have become more difficult for the average Kyrgyz citizen over the last year. Travel to and from the Kyrgyz Republic is difficult and expensive. The majority of Kyrgyz will vacation within Kyrgyzstan rather than abroad. It is very rare to encounter an NIV applicant who has traveled to destinations other than Kazakhstan or Russia.

## 12. NIV Fraud:

NIV fraud is usually detected during the interview process and is refused under 214 (b) of the INA. NIV fraud primarily consists of fraudulent supporting documents such as bad letters of invitation, false bank statements or false job letters. Post does not give credence to such documents during routine interviews. However this is a problem when processing student visas. The reporting period saw a steady stream of applicants wishing to study at community colleges or English as a Second Language (ESL) programs that are low-cost and located where friends or relatives live in the US. New York remains the destination of choice for both tourists and students who apply for NIV's. The majority of applicants will only

open a bank account locally within days of the visa interview and deposit the minimum amount of funds required by the I-20 form. The education system in Kyrgyzstan is notoriously corrupt and grades cannot be relied upon as an accurate indicator. Most students will take the semester or year off of their studies to go to the US. In order to receive credit for their studies abroad, they are supposed to study in a related field to their major. Post has seen that this is not the case with most student visa applicants.

During this past reporting period, post processed 1,035 Summer Work and Travel (SWT) applications. This was a 146% increase from the previous year. Post was pleasantly surprised to find very few cases of fraudulent students. However since this was only the second year SWT was offered in Kyrgyzstan, post is not optimistic this will remain the case in the future. While 32.5% of SWT applications were refused, it was mainly due to poor English language skills and 214(b) concerns. As per ref B, 35% of SWT participants overstayed last year. Post plans to conduct another 100% validation study later this year. In one serendipitous find, consular staff discovered a hand-out left behind by a SWT student after their interview. Four pages long, this document was a complete guide on the interview process and gave such advice as to "always look the consul in the eye," "tell them that you are the future of civil society in your country," and much more. Post promptly shared this with its RCO, VO and all other CIS posts as it originated in Belarus and had found its way to Bishkek.

13. IV Fraud: Post has seen no significant trends in IV fraud. The majority of marriage cases involve Kyrgyz citizens marrying US citizen who are local contractors or servicemen on active duty. Post has seen an increase in U.S. petitioners incorrectly completing the I-130 Petition for an Alien Relative. It is not unusual for the

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petitioner to "forget" to list previous marriages so as to avoid having to secure copies of divorce records for petitions. IV's for Kyrgyz citizens are processed in Almaty, Kazakhstan.

14. DV Fraud: Post does not process diversity visas.

15. ACS and Passport Fraud: Passport and CRBA issuance is relatively low in Bishkek. The large number of contractors working at the nearby coalition airbase has increased the number of marriage-based petitions filed as well as CRBA applications, but to date post has not seen any fraud.

Post has seen an increase in potential wire fraud against U.S. citizens. As with other former Soviet countries, U.S. citizens are meeting alleged single women via the internet. As the on-line relationship develops, these women begin requesting money. In the cases seen this past reporting period, U.S. citizens are instructed to wire money either directly to the "women," to "the visa center" or their new "e-gold wire money system" which promises visa issuance and plane ticket purchase in one transaction. Post received increasing numbers of e-mails from U.S. citizens requesting confirmation of the "visa center" and the visa application requirements. In some of the e-mails, a complete address and telephone number was provided. Post's investigation showed that the addresses are non-existent and the telephone numbers are false. The scammer usually asks for \$2,000 - \$4,000 US from the potential victim. Post worked with RSO on these investigations and informed inquirers of the dangers of money transfer to unknown parties.

16. Adoption Fraud: 2006 changes in the Kyrgyz Family Code have directly resulted in a dramatic increase in the number of Kyrgyz children adopted by US citizens. Kyrgyzstan ranked #18 on CI's list of top 20 adoption source countries for FY 2007. According to the Ministry of Education, there are eight adoption agencies registered in Kyrgyzstan. There is little control over civil documents. Rampant corruption in all parts of the Kyrgyz government ensures that post cannot rely on presented documents. A recent criminal prosecution case of a false document ring demonstrated the ease of obtaining any and every Kyrgyz document. Additionally, document stock is often unreliable. During the reporting period, no birth certificates were available for issuance anywhere in Kyrgyzstan for over three months. A full investigation is carried out for each

I-604 issued for every child. While Kyrgyz adoption law resembles adoption law found in the Russian Federation, much of the procedures are lacking or missing in Kyrgyzstan. The definition of orphan under Kyrgyz law does not always match the definition of orphan according to US immigration law. To date, there seems to be no minimum age or minimum wait time before a child can be given up for an adoption. During the past reporting period, post has seen adoptions where the orphanage would go back and generate records - such as parents' death certificates - after the child was put up for adoption. The reason given was that local authorities had never gotten around to reporting the death. While post has not referred an I-604 Orphan Investigation to USCIS for denial, post continues to remain concerned. This past reporting period also saw many shake-ups within the Ministry of Education. Post's normal adoption contact suddenly resigned with little explanation. The new Ministry of Education official in charge of adoptions is still familiarizing herself with Kyrgyz law and adoption procedures.

17. Use of DNA testing: During the reporting period, post had no cases that required DNA testing. In general, post rarely performs or has need to perform DNA testing.

18. Asylum and other DHS benefit fraud: Post does not normally process any asylum cases but is occasionally called upon to verify locally issued documents supporting asylum and immigration applications at other posts. In an extraordinary case, post conducted the interviews of three Uzbek families who were beneficiaries of I-730 Follow to Join Petitions. The travel documents were ultimately issued by IOM Moscow. Post worked closely with Embassy Tashkent to confirm the documents involved in the case. Post has not received any verification requests during the past reporting period.

19. Alien Smuggling, Trafficking, Organized Crime, and Terrorist Travel: Kyrgyzstan is a country of origin and transit for human trafficking. As per Bishkek's 2008 Trafficking in Person's (TIP) report, trafficking occurs for both forced labor and sexual exploitation. The majority of trafficking victims travel to Kazakhstan, Russia, Turkey or the UAE. There is very little evidence of trafficking to the US or Canada. Uzbek and other citizens will often transit Kyrgyzstan en route to the UAE or other destinations. Due to the widespread sale of the pre-2005 Kyrgyz passport, the US government ceased to recognize it as a valid travel

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document. This old version of the Kyrgyz passport was discovered to be a key tool for traffickers in transporting people out of Kyrgyzstan to other destinations.

The Embassy places restrictions on USG personnel for travel to certain parts of Kyrgyzstan, such as Batken Oblast, to security and terrorism concerns. In 2006, suspected militants attacked a border post in the Batken region. The Islamic Movement of Uzbekistan and other terrorist organizations remain active in Central Asia. Press reports during the reporting period report "invasions" by Tajiks into Kyrgyz valleys. Land borders, especially in the South, are easily crossed by nationals of neighboring countries. Citizen of CIS countries do not need a passport to enter Kyrgyzstan - only an ID card.

110. DS Criminal Investigations: Post does not have an RSO-I but works well the RSO on related cases. Post has not referred any cases to RSO for investigation during this reporting period.

111. Host Country Passport, Identity Documents, and Civil Registry: Practically any document issued in the country can be fraudulently obtained, for a price. The procedures for issuance of civil documents are similar to those in the Russian Federation and other former Soviet Republics. A birth or death is recorded on a certificate called a spravka issues by a hospital. This certificate is usually a flimsy piece of newsprint that is completed by hand. It has no security features other than a stamp. The bearer then files this certificate with their regional Vital Records Office known locally as ZAGS (Zapisi Aktov Grazhdonskovo Sostoyanoye. Birth certificates are only issued for Kyrgyz citizens. The only record of birth for foreigners would be the certificate issued by

the hospital where the birth occurred - a document that is vulnerable to fraud.

Previous negligence in the Kyrgyz passport agency led to their availability on the black market in several countries. This led to the de-recognition of the 1994 Kyrgyz passport, which has recently been replaced by the 2004 version. While a significantly more secure document than the previous passport, it is still vulnerable to fraud based on the documents presented to obtain a passport. During the reporting period, post encountered one case where a US citizen was arrested for illegally obtaining a valid Kyrgyz passport. During attendance of his trial, post heard extensive evidence of document sale and production. Discussions with officials at the passport office indicate that while the new Kyrgyz passport is a secure document, the basis for issuing it - the Kyrgyz Birth Certificate - remains vulnerable.

¶12. Cooperation with Kyrgyz authorities: Cooperation with the host-government on visa and immigration matters is good. Post continues to build its relationship with the airport Border Guards as mentioned in Ref A.

¶13. Areas of particular concern: Post's major areas of concern are adoption fraud and the continuation of the Summer Work and Travel Program. As noted above, adoptions have grown unchecked with little indication that the Ministry of Education adequately regulates the process or is aware of the practices of adoption facilitators. Post will be conducting a 100% validation study in the fall to see the overstay rate from this year's SWT program.

¶14. Staffing and training: Currently, the Fraud Prevention Unit is staffed by the Consular Section Chief, who is the sole consular officer at post, and a Fraud Investigator. The consular officer received CA's Anti-fraud Training course at FSI. The new Fraud Investigator has begun CA's on-line fraud training and hopes to complete the consular correspondence courses within the coming year.

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